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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

G. PEDERSON, R. ALCARAZ, and S.
MASON, individually and on behalf of all
others similarly situated, and on behalf of
aggrieved employees, the people of the
State of California and the Labor
Commissioner,

Plaintiffs,

v.

AIRPORT TERMINAL SERVICES,
INC., RICHARD B. HAWES, and
SALLY A. LEIBLE,

Defendants.

Case No. 5:15-cv-02400-VAP-SP
Assigned to Hon. Virginia A. Phillips

**[PROPOSED] ORDER GRANTING
MOTION FOR FINAL APPROVAL
OF CLASS-ACTION SETTLEMENT
AND MOTION FOR ATTORNEY'S
FEE; [PROPOSED] JUDGMENT OF
DISMISSAL**

Date: July 2, 2018
Time: 2:00 p.m.
Courtroom: 8A
350 West 1st Street
Los Angeles, CA 90012

1 On April 5, 2018, this Court preliminarily approved the Settlement Agreement and
2 General Release (“Settlement Agreement”) reached in the within action between
3 Plaintiffs Gideon Pederson, Ruth Alcaraz and Sasha Mason (“Plaintiffs”), on behalf of
4 themselves and all others similarly situated, and Defendant Airport Terminal Services,
5 Inc. In connection with the Order granting preliminary approval, the Court conditionally
6 certified the Settlement Class defined in the Settlement Agreement, namely: any current
7 or former non-exempt employee who is or was employed by Defendant within California
8 at any time from November 20, 2011 through the date of preliminary approval of the
9 settlement (April 5, 2018). Plaintiffs have now moved the Court for final approval of the
10 Settlement Agreement, as well as for fees and costs associated with prosecuting and
11 settling the Lawsuit. Having read and considered the unopposed moving papers, having
12 conducted a final fairness hearing as required by Federal Rule of Civil Procedure 23(e),
13 and good cause appearing, **IT IS HEREBY ORDERED, ADJUDGED, AND**
14 **DECREED** as follows:

15 1. The following Class is certified under Federal Rule of Civil Procedure 23(c):
16 All members of the Settlement Class preliminarily approved on April 5, 2018, who did
17 not properly and timely request exclusion pursuant to the procedures specified in the
18 Settlement Agreement.

19 2. The Settlement Agreement is fair, reasonable, and adequate to the Class
20 when balanced against the probable outcome of extensive and costly litigation.
21 Substantial informal discovery, investigation, and research have been conducted such that
22 the Parties’ respective counsel have been reasonably able to evaluate their respective
23 positions. The Settlement Agreement was the result of intensive, non-collusive, arm’s
24 length negotiations, including private mediation before an experienced wage-and-hour
25 mediator; thorough factual and legal investigation; and the good-faith exchange of
26 information and documents. The Court has considered the nature of Plaintiffs’ claims,
27 the amounts and kinds of benefits to be paid under the Settlement Agreement, the
28 allocation of the settlement proceeds to the Class, and the fact that the Settlement

1 Agreement represents a compromise of the Parties' respective positions rather than the
2 result of a finding of liability at trial. The Court further finds that the response of the
3 Class to the terms of the Settlement Agreement supports final approval. The absence of a
4 large number of objectors and opt-outs raises a strong presumption that the Settlement
5 Agreement's terms are favorable. The Settlement Agreement therefore merits final
6 approval under Federal Rule of Civil Procedure 23(e).

7 3. The form, manner, and content of the Class Notice delivered to the
8 Settlement Class constituted the best notice practicable under the circumstances.
9 Individual notice was provided to all members of the Settlement Class by regular mail to
10 their respective last-known addresses on file with Defendant, as updated by the Claims
11 Administrator through the National Change of Address database. The Claims
12 Administrator took further steps to provide the Class Notice, claim form, and exclusion-
13 request form to the Settlement Class by performing a skip-trace on all returned-
14 undeliverable mail. The Class Notice informed members of the Settlement Class of the
15 terms of the Settlement Agreement, their right to object to the Settlement Agreement or
16 to request exclusion, and their right to appear in person or by counsel at the final-
17 approval hearing. The Class Notice provided ample time for members of the Settlement
18 Class to follow these procedures. Accordingly, the form, manner, and content of the
19 Class Notice meet the requirements of Federal Rule of Civil Procedure 23(c)(2).

20 4. This Order and Judgment applies to all claims or causes of action settled under
21 the terms of the Settlement Agreement, and shall be fully binding with respect to all Class
22 Members. In other words, Class Members are hereby barred and permanently enjoined
23 from asserting, instituting, or prosecuting, either directly or indirectly, any and all claims
24 released as provided in the Settlement Agreement. All of the released claims shall be
25 conclusively deemed released and discharged as to the Released Parties as provided in
26 the Settlement Agreement.

27 5. This Order and Judgment shall have the force and effect of res judicata as to
28 each Class Member.

1 6. All claims asserted by Plaintiffs are hereby dismissed with prejudice.

2 7. All payments to Class Members, Class Counsel, and the Claims
3 Administrator shall be disbursed pursuant to the terms of the Settlement Agreement.
4 Payments for Class Counsel's fees and costs, on the one hand, and the Claims
5 Administrator's fees and costs, on the other hand, shall be made in the amounts specified
6 below in paragraphs 8 and 9.

7 8. Harris & Ruble and the Law Offices of John P. Dorigan are qualified to
8 represent the Class, and the Court confirms their appointment as Class Counsel. Class
9 Counsel have requested attorney's fees in the amount of \$200,000 and reimbursement of
10 incurred costs in the amount of \$9,357.47. The requested amounts are fair and
11 reasonable in light of the time and effort expended by Class Counsel in prosecuting the
12 Lawsuit, which time and effort benefitted the Class, and in light of the relatively large
13 settlement awards each Class Member will receive. Specifically, Class Counsel's
14 requested fee is significantly below their submitted lodestar, as computed using the
15 adjusted *Laffey* matrix. Accordingly, the requested fees and costs are granted pursuant to
16 Federal Rule of Civil Procedure 23(h).

17 9. The Court approves the payment of settlement-administration fees and
18 expenses to the Claims Administrator—CPT Group, Inc.—in the amount of \$14,750.

19 10. The Court finds that it is appropriate to grant an enhancement payment in the
20 amount of \$500 to each Plaintiff in recognition of their contributions to the Lawsuit and
21 their services to the Class, as well as a \$4,500 payment to each Plaintiff on account of the
22 broad releases made by each of them in this case. These payments shall be made
23 pursuant to the procedures specified in the Settlement Agreement.

24 11. Without affecting the finality of this Order and Judgment in any way, the
25 Court hereby retains jurisdiction over the parties, including the Class, for the purpose of
26 construing, enforcing, and administering this Order and Judgment, as well as the
27 Settlement Agreement itself. This Order and Judgment shall constitute a final judgment
28 for purposes of Federal Rule of Civil Procedure 58.

1 12. This case is hereby **DISMISSED WITH PREJUDICE**, with all parties to
2 bear their own costs, except as set forth herein. Final judgment is hereby entered
3 pursuant to Rule 23(c)(3) of the Federal Rules of Civil Procedure. This document shall
4 constitute a final judgment for purposes of Rule 58 of the Federal Rules of Civil
5 Procedure.

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9 **IT IS SO ORDERED.**

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11 Dated: _____

Virginia A. Phillips
United States District Judge